

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Anthony Lombardi, individually and as)
Administrator of the Estate of Nancy)
Morocco)
Plaintiff,)
)
vs.) Civil Action No. 8-949
)
Allstate Insurance Company,)
)
Defendant.)

AMBROSE, District Judge

OPINION
and
ORDER OF COURT

Plaintiff Anthony Lombardi (“Lombardi”) has filed a Motion for Reconsideration. See ECF Docket No. [71]. Lombardi contends that this Court’s Order disposing of the cross-motions for summary judgment was erroneous in several respects.

To grant a motion for reconsideration, the moving party must demonstrate one of the following: (1) an intervening change in the controlling law; (2) the availability of new evidence which was not available when the court issued its order; or (3) the need to correct a manifest injustice stemming from a clear error of fact or law. See Max’s Seafood Café by Lou-Ann v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999) and North

River Ins. Co. v. Cigna Reinsurance Co., 52 F.3d 1194, 1218 (3d Cir. 1995). Lombardi urges that reconsideration is required in order to avoid “manifest injustice stemming from a clear error of fact or law.” See ECF Docket No. [71], p. 2.

I reject Lombardi’s contentions. His argument regarding the policy exclusion – that the obligations of the exclusion were only applicable to the policyholder or the policyholder’s resident spouse – was fully addressed in this Court’s prior Opinion. The current Motion amounts to little more than a re-hashing of the prior arguments. This Court did not “misapprehend” Lombardi’s arguments, it simply disagreed with them. Similarly, issues regarding the filed rate doctrine and the rounding of the premium were fully briefed and considered. Lombardi has not offered anything new to convince this Court that its earlier rulings were erroneous or would otherwise lead to manifest injustice.

Consequently, this 7th day of April, 2011, the Motion for Reconsideration is DENIED.

By the Court:
/s/ Donetta W. Ambrose
Donetta W. Ambrose
Senior Judge, U.S. District Court